

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MISTY WHITE, *et al.*,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

Case No. 5:19-cv-1145-JD

v.

[1] HON. PAUL HESSE, in his official  
capacity as Chief Judge of the 26th  
Judicial District, and

[2] HON. KHRISTIAN STRUBHAR, in  
her official capacity as Special Judge in  
the Canadian County District Court,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION TO SUBSTITUTE  
SUCCESSOR TO OFFICIAL-CAPACITY DEFENDANT**

Plaintiff respectfully moves this Court for an order under Rule 25(d) of the Federal Rules of Civil Procedure substituting Hon. David Halley, in his official capacity as Special Judge in the Canadian County District Court, for Hon. Khristian Strubhar, sued in the same official capacity, as a Defendant. Defendants are unopposed.

Rule 25(d) states that the successor to a “public official who is a party in an official capacity” is “automatically substituted as a party” and “[l]ater proceedings should be in the substituted party’s name.” Fed. R. Civ. P. 25(d). *See, e.g., Coriz v. Rodriguez*, 350 F. Supp. 3d 1044, 1052 (D.N.M. 2018) (automatically substituting successor in office as

official-capacity defendant under Rule 25(d)). Judge Halley has succeeded Judge Strubhar as the Special Judge in Canadian County District Court assigned to conduct first court appearances.

### **RELIEF REQUESTED**

Accordingly, Plaintiffs respectfully request that the Court direct the Clerk to amend the case caption to substitute the Hon. David Halley as a Defendant in his official capacity as Special Judge in Canadian County District Court in place of Hon. Khristian Strubhar.

Respectfully Submitted,

/s/ Trisha Trigilio

Trisha Trigilio\*

Texas State Bar Number: 24075179

Brandon J. Buskey\*

Alabama Bar Number: ASB2753-A50B

American Civil Liberties Union

Foundation, Criminal Law Reform  
Project

125 Broad Street, 18th Floor

New York, NY 10004

(212) 549-2500

trishat@aclu.org

bbuskey@aclu.org

Aaron Lewis\*

California Bar Number: 284244

Covington & Burling LLP

1999 Avenue of the Stars

Los Angeles, CA 90067-4643

(424) 332-4800

alewis@cov.com

Weston Watts

Oklahoma Bar Number: 33299

Watts & Watts

Megan Lambert

Oklahoma Bar Number: 33216

Adam Hines

Oklahoma Bar Number: 35640

Devraat Awasthi

Oklahoma Bar Number: 35544

American Civil Liberties Union of  
Oklahoma Foundation

P.O. Box 13327

Oklahoma City, OK 73113

(405) 525-3831

mlambert@acluok.org

ahines@acluok.org

dawasthi@acluok.org

Blake Johnson

Oklahoma Bar Number: 32433

Tyler Box

Oklahoma Bar Number: 31817

Justin Williams

Oklahoma Bar Number: 32539

Clayburn Curtis

Oklahoma Bar Number: 30538

Overman Legal Group, PLLC

1000 W. Wilshire Blvd., Suite 360  
Oklahoma City, OK 73116  
watts.weston@gmail.com

*Attorneys for Plaintiffs*

\*Admitted Pro Hac Vice

809 NW 36th St.  
Oklahoma City, OK 73118  
(405) 605-6718  
blakejohnson@overmanlegal.com  
tylerbox@overmanlegal.com  
justinwilliams@overmanlegal.com  
claycurtis@overmanlegal.com

### **CERTIFICATE OF SERVICE**

I certify that I will file this motion via CM/ECF, which serves the motion on all counsel of record.

/s/ Trisha Trigilio

Trisha Trigilio\*

Texas State Bar Number: 24075179

American Civil Liberties Union

Foundation, Criminal Law Reform  
Project

125 Broad Street, 18th Floor

New York, NY 10004

(212) 549-2500

trishat@aclu.org